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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,486	10/07/2003	Sami Pienimäki	061715-0391	4042
30542	7590	10/10/2008		
FOLEY & LARDNER LLP			EXAMINER	
P.O. BOX 80278			GEE, JASON KAI YIN	
SAN DIEGO, CA 92138-0278				
			ART UNIT	PAPER NUMBER
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			10/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,486

Applicant(s)

PIENIMAKI ET AL.

Examiner

JASON K. GEE

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is response to communication: response to amendment received 08/19/2008, with acknowledgement of benefit date of 03/13/2003.
2. Claims 1, 2, and 5-12 are current pending in this application.
3. No new IDS was received for this application.

Response to Arguments

4. Applicant's arguments filed 08/19/2008 have been fully considered but they are not persuasive.

The applicants have argued that the reference does not teach the claimed limitations. The applicants have noted that in their invention, an access control point performs both the AAA procedure and traffic encryption enforcement. However, this is not claimed. One set of independent claims merely recite a method that can perform such limitations. Another set of claims recite an apparatus that can perform such limitations. However, the apparatus, as taught by the Wu reference, encompasses the several devices that are required to perform the claimed methods. Further, another set of independent claims recite an apparatus comprising a WLAN controller, an AAA controller, an access gateway controller, and a processor to perform the recited methods. However, Wu teaches computing devices that perform such processes related to the devices. The claims never recite whether these components are separate different devices or not, and thus, the Wu reference teaches all the limitations of the claims. In sum, the applicants argue that the Wu reference does not read on the claims,

because the claimed invention teaches an access control point performing both AA procedures and traffic encryption enforcement, whereas the Wu reference teaches different entities for performing different functions. However, using the same component for doing two different features is not claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. US Patent Application Publication 2004/0203783 (hereinafter Wu)..

As per claim 1, Wu teaches a method, comprising: providing access to a public wireless local area network for a user terminal ((Figure 2, paragraph 3); initiating an authentication, authorization, and accounting procedure for the user terminal (Figure 2, paragraph 25 and 26); providing an internet access gateway functionality (paragraph 3 and throughout the reference); and enforcing an application to switch any traffic provided over internet access to the user terminal in the public wireless local area network to an encrypting security service port (paragraphs 12, 30, 31, 39-40, and

throughout the reference, where handoff keys are used and users are transferred to different access points).

As per claim 2, Wu teaches wherein the encrypting security service is the secure sockets layer or the transport layer security (paragraph 27, 40, 59).

As per claim 5, Wu teaches retrieving information by the access control point from RADIUS messages whether a user terminal does not use a 802.11 encryption, and performing the enforcing to the application if it is accessed by such a user terminal (paragraphs 28, 43, 42.12, 30, and 31).

As per claim 6, Wu teaches wherein the application can be one of a group comprising the hypertext transfer protocol for browsing the Internet, the Internet message access protocol 4, the post office protocol 3, and the simple mail transfer protocol ((paragraphs 23 and 24).

Claim 7 is rejected using the same basis of arguments used to reject claim 1 above.

Claim 8 is rejected using the same basis of arguments used to reject claim 2 above.

Claim 9 is rejected using the same basis of arguments used to reject claim 5 above.

Claim 10 is rejected using the same basis of arguments used to reject claim 1 above.

Claim 11 is rejected using the same basis of arguments used to reject claim 2 above.

Claim 12 is rejected using the same basis of arguments used to reject claim 5 above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Gee whose telephone number is (571) 272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Gee
Patent Examiner
Technology Center 2400
10/03/08

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434